

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:05cr369

UNITED STATES OF AMERICA

vs.

JEFFERY AUSTIN McNEFF

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ORDER

THIS MATTER is before the Court upon letter and motion of the defendant pro se for deferral of his restitution payments until he is released from federal custody. (Doc. Nos. 34, 35).

The defendant is apparently enrolled in the Inmate Financial Responsibility Program (“IFRP”). Participation in the IFRP is voluntary, and an inmate becomes eligible for certain benefits by his involvement in the program. 28 C.F.R. § 545.11 et seq. A team at a prison facility considers an inmate’s financial information, monitors the amount of money in his trust account, and determines the required monthly payment for participation in the program.

Here, the Court ordered that payment of the defendant’s criminal monetary penalties was due immediately and recommended participation in the IFRP. (Doc. No. 19: Judgment at 2, 5). Any balance outstanding at the time he begins his supervision is to be paid in installments of \$50 per month to commence 60 days after his release from imprisonment. (Doc. No. 19: Judgment at 5). In his motion, the defendant requests that he be spared his monthly payment while incarcerated because of the hardship it places on his mother who is also supporting his child. However, the program does not require outside sources to contribute to the IFRP. 28 C.F.R. § 545.11(b). The defendant has the choice of whether to remain in the program, or can challenge its execution through administrative remedies.

IT IS, THEREFORE, ORDERED, that the defendant's requests to defer restitution payments (Doc. Nos. 34, 35) are **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, to the United States Attorney, the United States Marshals service, and the U.S. Probation office.

Signed: June 16, 2008

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

